Quid Novi

McGill University, Faculty of Law
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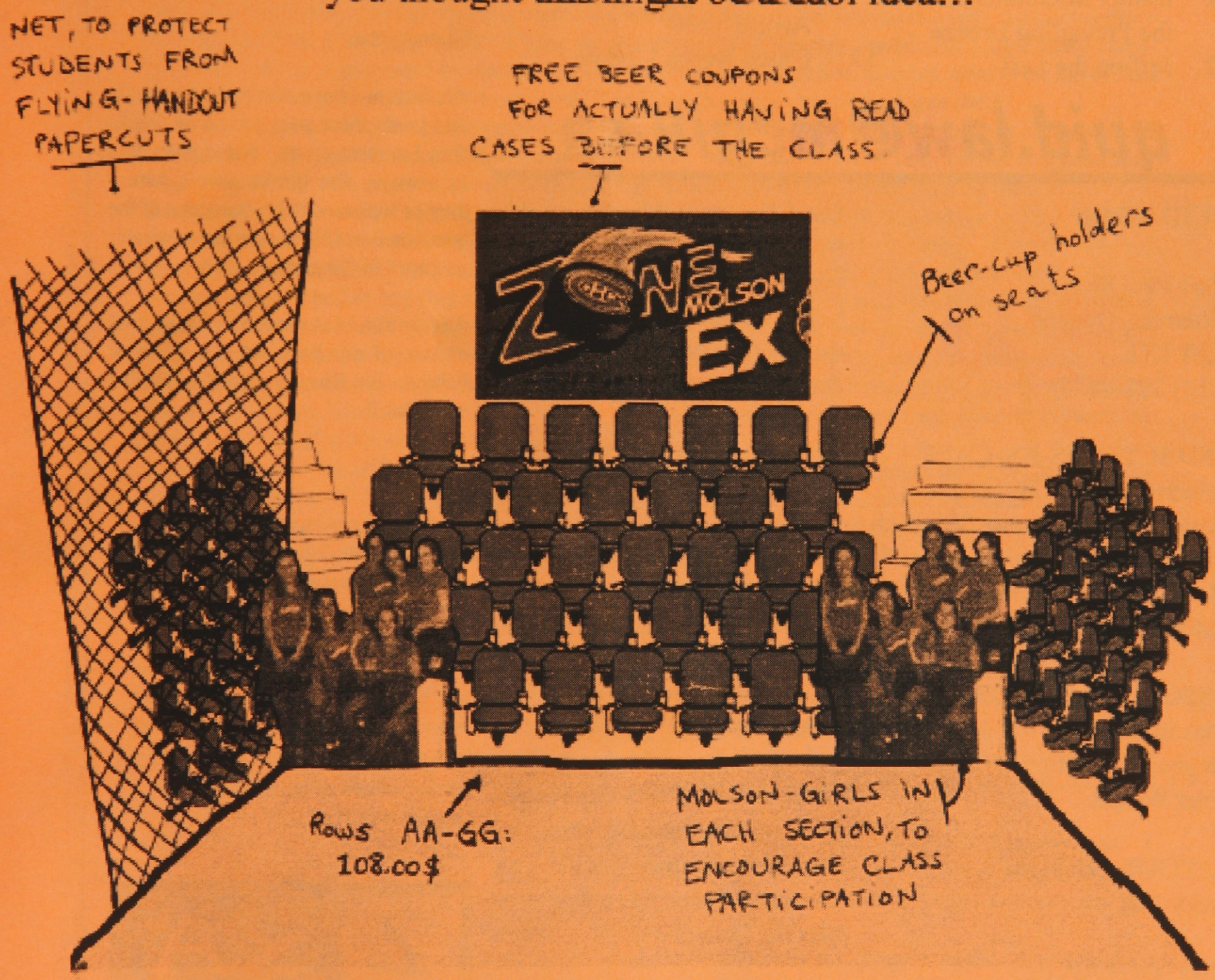
"The Molson Faculty of Law"

Oh, come on, admit it: for at least a second, you thought this might be a cool idea...



THE NEW MOOT COURT

In this Issue

quid.law@mcgill.ca

QUID NOVI

3661 Peel Street
Montreal, Quebec
H2A 1X1
(514) 398-4430

REDACTEURS-EN-CHEF
Fabien Fourmanoit
Rosalie-Anne Tichoux Mandich

MANAGING EDITOR
Catherine Galardo

ASSOCIATE EDITORS
Alexandra Law
Stephen Panunto
Peter Wright

LAYOUT EDITOR
Jacky Luk

PHOTOGRAPHE
Marta Juzwiak

COVER ARTIST
Dennis Galiatsatos

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Envoyez vos commentaires ou articles avant jeudi 5 PM à: quid.law@mcgill.ca.

Editor's Note

Hi everyone,

Ah, factum. I have seen more distraught 2nd years these past couple of weeks than I care to count. Same problems as always: the books aren't where they're supposed to be; the scope of the question is not clear; no time! no time!; no paper in the printer.. Ugh.

And factum has temporarily taken from us two of our best: Rosalie-Anne & Fabien. No Rosalie-Anne, no Fabien = no Quid!

No Quid!!!

Well, thanks to Jacky, you have a Quid. Enjoy, but don't hold the typos against anybody. Priorities, you know.

Marta Juzwiak.

P.S. Please don't put words like "***-hole" into your articles, and please don't fallaciously accuse others of having used such words.

NEWS ITEM: MCGILL TO PROBE STUDENT BODY PRIOR TO EXAMS

by Mike Brazao

MONTREAL - When McGill Law students head off to write their exams next month, they're in for a big surprise. Greeting them at the examination room will be security guards performing full-body cavity searches, who will be instructed to use all means necessary in seeking out contraband materials.

When asked to explain the motivation behind this newly-initiated procedure, Professor Veronique Belanger, Associate Dean of Students, replied that it was a necessary measure for enforcing the faculty's new closed-book exam policy. Under the new policy, students may bring no materials into an exam except a pen or pencil.

For the first time ever, closed-book examinations were required in all law courses this year in order to ensure the integrity of the marking process. Under the guidelines established by the McGill Law Faculty Handbook, all exams must be graded by putting them into an open cardboard box, carrying them to the top of Peel Street, and throwing them down Mount Royal. The exam that slides the furthest gets the A.

However, it appears that in recent years students have been fiddling with this process by using various techniques to increase the distance their exams will travel. Many students have been known to append such weight-bearing devices as stones, casebooks and bran-tubs to their exams before handing them in.

"Rank amateurs," contends second year law student Justin Howell, who will be working in New York this coming summer, "The secret is not in the weight of the exam, but in the lack of viscosity it encounters on Peel Street." He then explained how his preferred technique is to smother his exams in Vaseline and roll them into cylindrical shapes before handing them over to the invigilator. To date, he holds the record for the greatest exam ever written at McGill Law, when his Contracts final rolled all the way into the St. Lawrence River.

While invigilators and professors had been cognizant of these subterfuges for years, they were powerless to do anything to stop them because the "Rule of Law" permits the liberty of all actions that are not specifically proscribed by some form of edict. This obstacle was overcome last week when Dean Leuprecht issued the changes mentioned above by way of imperial fiat.

When asked about the logic of grading papers by way of gravity, Professor Belanger staunchly defended the decades-old practice. "When a professor does not actually have to open an examination booklet and read its contents, a significant amount of time is freed for that individual to pursue other matters, such as research or administrative load." She then added that the starting rate for a professor who will mark exams based on their argumentative merit is over $100,000 a year, which far exceeds budgetary constraints, as "we're not U of T, you know."

She also noted that prohibiting external materials from entering the exam room will force students to legitimately bulk-up their exam booklets the old-fashioned way, namely, by writing in all caps and on every third line.

As to the necessity of the body cavity searches as a means of achieving her worthy objective, she advised The Quid Novi to never underestimate the insidious ingenuity of a law student who may be tempted to smuggle something into an exam room. "Our admissions process of choosing students based on creativity really opened up a Pandora's Box, if you ask me".

When informed of these recent developments, an exasperated Professor Healy could only shake his head. "I told you something like this would happen..." he exclaimed, "...the case of R. v. MRM left the door wide open for this! You might have thought my numerous protracted Orwellian diatribes were a bit over the top, but now who's been stripped of their section 7 and 8 rights?"

He further stated that while body cavity searches are most definitely a Charter violation, they would be probably justified under section 1, because "the Supreme Court always tells me I'm wrong about these things."

However, Professor Healy did provide some hope that students may be able to force an injunction against the searches, since being violated both before and during an exam sitting constitutes two forms of punishment for the same behaviour, and hence should be prohibited by the principle of double jeopardy.

My life is an open book

By Harvey Auerback, Alumnus I

"He then explained how his preferred technique is to smother his exams in Vaseline and roll them into cylindrical shapes before handing them over to the invigilator." - Mike Brazao, Law II, giving us a chilling post-exam visual but leaving just enough to the imagination1

It's nice to see some lighthearted banter in the Quid. However, Mike Brazao's recent article has left me somewhat confused.

I realize that every joke contains a kernel of truth, and this is especially true of satirical Quid articles that tend to make light of issues of great concern to law students. Now, I can take a joke as well as anyone, but sometimes I have a hard time telling the joke from the fact. Some situations are so crazy that they almost seem plausible, and at times the fear that they might be true overcomes the impulse to laugh.

Mike's article is clearly an attempt to raise awareness of the faculty's long-standing and well-publicized policy of remanding the grading of exams to the "Court of Peel". This system has worked reasonably well in the past, and it is at the faculty's discretion to modify it as it sees fit. I suppose this is an issue best left to Faculty Council.

This brings me to the part that I'm not sure is a joke - a faculty-wide closed-book exam policy. This is so ridiculous that it just might be true. Even if it isn't, permit me to say a few words on the subject. I know that closed-book exams already exist at law school, and that there may someday be more of them if we're not careful. A closed-book-only policy is certainly a plausible direction for the administration to take. I've written a couple of closed-book exams in law school, and I've had my fair share of closed-book or limited-resources exams in undergrad and below. Some of you already know how lengthy my time-honed opinions can be.

I wonder if the Powers That Be actually read the Quid. Now that it's available online and they don't even have to leave their desks to get a copy, they really have no excuse not to.

Let me begin by saying that the closed-book law exam is a phenomenon so torturous and misguided that even the École du Barreau du Québec doesn't subject its students to it. For those of you still in law school, this argument may or may not be compelling. I'll move on.

Some subjects are, by their very nature, meant to be examined with at least some resources at one's disposal. This is mainly the case where either it's unfair to make people remember the sheer volume of material, or adequate competence can best be demonstrated by answering questions in the presence of reference materials. I think law fits into both categories, but I'd like to supplement my point with examples from physics, the subject of my undergraduate degree and another field that doesn't test well closed-book.

Law is definitely one of those subjects where there's way too much material to commit to memory. There are lots of statutory provisions (apologies to hardcore Civilians, but the Code is a statute), and a jillion cases. The situation is even worse in family law, where there are tables of numbers and every second case is called Droit de la famille. You just can't sanely commit it all to memory and then do the same for a completely unrelated subject a few days later.

Physics is the same way. You can't expect people to remember all those equations, with all their little constants and minus signs and factors of 1/2. Exams are stressful enough without trying to remember if there's a minus sign in front of the diffusion equation, or if the bar in front of Schrödinger's equation is squared. If you forget a factor of pi in an equation, your first line is wrong and you're doomed.

These are details that test a person's general memory more than their understanding of the material, and they require much more short-term memory than a person ever needs. It's not reasonable to expect people to commit all those details to memory for three hours, and the frantic attempt to memorize depletes the precious brainpower and energy that we need to understand and apply the law.

This brings me to my second point. You just can't draft a proper closed-book exam that will test people's understanding of the law. When you force people to commit tons of material to memory, you limit the scope of your exam. You can only test what people can be reasonably expected to remember without looking in a book. You can't write a test that covers a broad area of law and expect an answer with any degree of specificity better than the usual broad generalizations that people tend to write when they don't know the answer. A proper law exam should test skills such as applying specific cases to specific facts, distinguishing cases on facts, and fully exploring the legal implications of a fact pattern.

I've seen more than one exam question that asked about the reasoning in one particular case. Such questions can only be answered intelligently if the student has her notes on that case at the very least, and preferably the case itself. One third of my Intellectual Property final depended on my opinion of the ruling in one case and whether the standard applied by the judge was appropriate to copyright in various types of works. Now I know what you're thinking, IP was open book two years ago. Of course, Prof. Lametti had set a question on a case that wasn't in our casebooks. It was only available on the

course website, and I had two lines of class notes on it. I had neither read the case nor printed a copy. For this question, I was essentially writing a closed-book exam, and an unexpected one at that.

I was lucky. The two lines in my notebook were enough that I could make an educated guess as to the reasoning in the case. My vague recollection of the facts, based solely on the names of the parties, allowed me to determine what standard the judge must have applied in order to find for the successful party. This was the hard part, the part that depended on the open-bookness of the exam.

Once I had the standard, applying it to various types of copyrighted works was easy. It was a typical, open-ended open-book exam question. All I had to do was list a bunch of different types of artistic, literary and other works and say whether the standard was appropriate or not. My answer was hopelessly superficial, but what else can one expect? I don't think I demonstrated any actual knowledge of the law, other than being able to list various types of works that are subject to copyright protection. And this was supposed to reflect 1/3 of what I had learned in my IP course.

My point, I guess, is that you can't set a fair closed-book exam that requires students to cite and apply a significant number of specific cases setting out various principles of law that survey the entire course. Unless the case is as famous as Donoghue v. Stevenson or as unforgettable as R. v. Sansregret, people just won't remember it. Ask Prof. Sklar how many people got the holding in R. v. Jobidon wrong on his closed-book Crim midterm from two years ago. I was among them.

In physics, it's easier to set a fair closed-book exam. You can append a formula sheet to the exam itself, complete with any equations the student may need. The student will still have to know how and when to apply the equations. Of course, it's somewhat depressing to hear a teacher complain after a midterm that most students saw a value for "r" in a question and immediately reached for the first equation with the letter "r" in it. I guess people like that shouldn't be passing physics exams anyway.

This type of system would be a miserable failure in the faculty of law. Prof. Morissette once tried appending a copy of his course syllabus to a closed-book exam. This roughly ten-page document, which contained way less information than I could fit in as much space, gave only the subject headings of the course and the style of cause of the cases he had covered. Prof. Sklar also pulled the same stunt on the aforementioned Crim midterm. Even though the cases were listed under subject headings, they all managed to blend together in my head. Which one was Blondin? Which was Sandhu? And what was the holding in Jobidon again? It's astonishing how little information is contained in the style of cause of a case. If you don't believe me, try searching for a patent case styled Bayer v. Apotex and let me know how many you find.

Of course, there's always a middle ground between no-holds-barred open book exams and closed book exams with full body cavity search. I'm not sure if this would work well in law, but many of my math and physics exams in CEGEP and at McGill were closed-book with a twist. We were allowed to use a limited number of pages of our own notes during the exam. For some exams it was one double-sided page, for others it was more. No reference information was given on the exam other than the values of certain physical constants.

In an exam like this, there is still the comfort of being able to bring reference material to the exam. As much as this helps in writing the actual exam, it's far more useful in reducing stress immediately prior to the exam. You can bring any equation, formula or comment that you think might be important. You can even bring a complete solution to a particular problem, if you expect that type of problem on the exam. This would be of tremendous assistance in JICP, unless a certain someone decided to take the time to draft new problems every year. Of course, with the extensive reform of the C.C.P., I suspect he'll be doing some rewriting this year whether he wants to or not.

Of course, this system still imposes a space limitation, so you have to make intelligent and reasoned choices as to how you're going to fit an entire semester of physics onto two pages. This also forces you to actually think about the material before the exam, if only to realize what parts of it are more fundamental and what parts are either more peripheral or completely redundant. My Electricity and Magnetism teacher in CEGEP told us on the first day of class that we'd only need to know four equations to write the final exam. Just the same, I don't think I'd chance going into the exam with just four equations on my one page of formulas. I found the idea of a course contained in four equations rather poetic, and that comment left a lasting impression. Every formula sheet I ever brought to a subsequent E&M class began with the famous four Maxwell's Equations.

Would this system work in law? Probably not. You can't derive an entire law class from four equations or the equivalent. Even a Civil Law course in extracontractual obligations, which is more or less based on a single article of the C.C.Q., needs more space than a couple of pages to do it justice. Then again, what is a better reflection of a student's understanding of a course than the decisions he makes in fitting the material for the entire course onto ten (or fewer) pages of notes? I should point out, for the record, that even with my legendary note-taking system I found that some courses just would not fit onto ten pages. In retrospect, I guess I could have used a smaller font than 12 pt.

Perhaps open-code is the answer. Every student should be allowed to bring with him at least a copy of the

relevant statute. Of course, it would have to be one that didn't come annotated, and it would have to be relatively unmarked save for about 500 post-it flags strewn about apparently at random. Another alternative is open code plus a limited number of pages of notes. Personally, I always listed the most pertinent statutory provisions on my ten pages of notes, mostly to reduce search time. This had the added benefit that I didn't have to buy the statutes for a few courses, such as IP. Who wants to pay $70 for a collection of free and easily accessible material that isn't even subject to copyright?

Ultimately, I think that law exams should always be open-book, except for some of the fluffier courses like Jurisprudence and H.P. Glenn's Foundations. These are more like history or philosophy courses than law courses, so none of the same rationale applies. The best reason I can think of for open-book law exams is that life is open-book. If law school is to be of any use in preparing us for careers in law, and everyone but the Barreau du Québec thinks it should be, it should teach us to use the law the way real people use it. Even physicists2 look up their equations until they've been using them for so long that they no longer need to. Nothing's more annoying than dropping a minus sign.3

When a lawyer asks me to write him a memo setting out the law on a particular point, I read the relevant statutory provisions. I read cases. I consult doctrine. Real litigators, arguing before the courts, cite cases as pertinent as possible to their arguments, and these cases are well researched and often reproduced in full text in files intended for the very purpose of consulting them as needed. Nobody ever goes before a judge empty handed and says, "Your Honour, I think Cuerrier is pertinent in some way. Or is it Currie?" hoping for partial credit. Law is very much an open-book profession.

Academics are perhaps more likely to write something of significance without first referring to very much written material. This is easily understood, because there's much less at stake when nobody's on trial. Academics also seem to think their own opinion is important, whereas the lawyer always knows that the judge has the last word. Even so, they still read other people's opinions from time to time, and they're free to refer to them when writing up their own. If you read a random article from the McGill Law Journal or any other publication, you should find several footnotes. Each of those represents an instance of the author referring to a source while writing the article. Each footnote is an admission that life is open-book, even for the people who set your exams.

Either way, a career in law will require you to look things up before citing them in support of your arguments.

Shouldn't that be what they prepare us for in school?

1 Gosh, I love quoting people out of context. The actual context was reducing friction so that the exam booklet would slide farther down Peel.

2 Chemists are different. It's harder to look things up when you're holding an Erlenmeyer flask full of 6M perchloric acid and you'd rather not get it all over your textbook. Experimental chemists have to know their reactions off the top of their heads.

3 Except dropping two minus signs. The worst thing about dropping a minus sign is that you never know if you've dropped one, added one, or dropped three. Any odd number of extra minus signs will produce the same result. Dropping an even number of minus signs won't even look like a mistake, so you'd rather miss one and know you've gotten something wrong than miss two and think your proof is rock solid when it's not.

Human Rights Crusader Accepts Job in New York

When Sarah Millar applied to the McGill Faculty of Law, she wrote a passionate letter to the admissions committee about her interest in human rights. According to the letter, her plan was to get a McGill law degree and then move onto the international scene in a crusade to uncover human rights violations and punish their perpetrators. True to her vision, throughout her time at McGill Sarah has been a committed member of the Human Rights working group and the Women of the Law clubs.

Given her passion for the human rights cause, it came as some surprise to her classmates last week when Sarah accepted an associate position at the New York office of Shearman and Sterling. Didn't she realize that her $125,000 US salary plus bonus would be won off the backs of the exploited peoples of the world? Didn't she know that she would be advancing a capitalist agenda under which the rich would continue to get rich and the poor poorer?

In response to these criticisms Sarah explained, "I am still committed to human rights, I just feel that the best way for me to advance the human rights agenda at this point is working from within the system. As a first year associate, I will be on the front lines, having my own human rights violated as a slave labourer. This will create solidarity between my oppressed bretheren and myself. Only by truly understanding their plight will I be able to help them." She continued, "besides, this is only for a couple of years while I pay off my student loans, then I am going to quit and go back to human rights full time".

Yeah, right.

Just the Beginning... Funding Options and Student Participation

By Rachel Faye Smith - LSA Vice-President, Academic

Let me start by thanking all of you who came to the LSA Open Forum on Wednesday of last week. We had a fabulous turnout, and many of you who couldn't make it have stopped me in the halls to ask how it went. Your comments were both useful and welcome, and we hope to have many more! To that end, the minutes of the meeting will be available on Pubdocs shortly, and will also be following in the Quid.

Last Wednesday's meeting, however, was only the beginning of what promises to be a heated debate on the solutions to the Faculty of Law's funding problems. Those of you who read Associate Dean Provost's email on Monday are aware that the faculty hopes to have a plan for implementation by the end of this academic year. This seriously speeds up our timeline, and makes it even more critical that students mobilize and get their opinions heard.

In the meeting last week we had a number of requests for a student ad hoc committee to address the funding options. We are in the process of implementing this request, and information on the committee's structure will be available soon. Equally important, however, was the request for more information on the background of this funding crisis, what areas are most in need of extra funds, and what options are being seriously considered by the Faculty. To that end, I would encourage you all to attend the Faculty's Open Meeting on Wednesday November 13th at 12:30 in the Moot Court. You asked for information on what the faculty was thinking - this is your opportunity to hear it straight from them. I understand that most of the professors will be attending, and I hope that we'll have just as strong a student turnout.

At this stage in the discussions I have to say that I have been impressed by how the faculty is handling the debate. They have been forthright and honest about what they are considering, and are requesting student participation. But student participation can't just mean the LSA. While we are here to help you liaise with the Faculty's decision-making bodies, in a decision as important as this one we have to represent the whole student body, not just ourselves. So please accept my invitation to get involved. Come out next Wednesday and ask hard questions. Stop us in the hallways and tell us what you think. Submit to the Quid and get the debate rolling. I know we all have opinions on what to do about the funding crisis. Let's make our participation constructive, active, and effective. When the decision is made, we want it to be one we can all be happy with.

Neat Ideas and Budgetary Shortfalls

By Sean Rehaag - McGill Student and Law III

First of all, I'd like to thank the faculty and staff here at the faculty for doing a pretty amazing job with a remarkably limited budget. Since my very first day in our little academic community I have been impressed by the quality of my education both inside and outside the classroom. I am deeply grateful to those who have made that quality possible: those among the faculty and staff who have shown an incredible level of commitment to a community that they believe in, in spite of the fact that people of such caliber are in high demand in other settings which are more supportive both in terms of direct remuneration but also in terms of the resources that are made available to them.

With this in mind, I welcome the recent efforts on the part of the faculty to address our budgetary shortfall, and I welcome, in particular, the attempt to respond to this challenge through processes designed both to involve and invigorate the different aspects of our community.

At the meeting between faculty and students on Wednesday, we heard quite a bit about what makes the McGill faculty of law a special place: the transystemic, bilingual program; an openness to non-black-letter legal approaches; a willingness to build cross-disciplinary links; aspirations of increasing the diversity of the faculty, staff, and student body; an international focus; a commitment to human rights. In short, the McGill faculty of law is a special kind of place because it is more than a professional training program for future lawyers. Even if the majority of its student body go on to practice law in a traditional legal setting, what makes our community an interesting place to be is the notion that such people (along with those with other career intentions) can benefit from a more general, humanities and social sciences oriented study of the law. It is this "neat idea" to use Prof. Provost's terms, that led me to apply to McGill - and that's why I didn't apply to any other faculty of law.

It is important that we keep this unique nature of the McGill program in mind when we discuss possible remedies to our budget shortfalls, and one of the important considerations for any proposed source of additional funding should be to what degree each proposal will make our faculty more into a professional training school. Of course this is not the only relevant consideration, but if our "alternative" approach to legal education is what makes us a special kind of community, as all of the professors who spoke at Wednesday's meeting implied, than it should be a central one.

What would viewing our budget difficulties through this lens show us?

(1) In discussing our situation we should not employ language appropriate to corporate settings but rather language appropriate to academic settings. Professional schools "compete" with one another to attract the best professors and the best students because each seeks establish itself as the school that is best situated to offer its graduates the most impressive career possibilities - a gain for one school is a loss for the others. Academic schools, on the other hand, do not "compete" with one another because they are partners in a same project. That is to say that education is not a zero sum game, and it should not be discussed in such terms.

(2) We should be careful who we compare ourselves to, because the mirrors we hold up are partially determinative of whom we become. The newly privatized U of T has more resources than we do. So do all the other reputable legal training schools. But I don't understand why we would want to compare ourselves to them. Because we "compete" with them in attracting top professors and students? Well, first of all, see point number 1. But secondly, if that's the concern, why not compare ourselves with big Bay / Wall St. law firms? After all, don't our professors have the opportunity to pursue opportunities in such places as well, and starting salaries in NY firms are certainly higher than what any of our profs are making here. But of course, such comparisons just aren't relevant. Sure profs can make more money on Bay / Wall St.. They can also make more money by working in a training school for Bay / Wall St.. What does that have to do with our situation? If we are engaged in the humanities / social sciences project, then let's compare ourselves with departments of philosophy, sociology, English and so on - keeping in mind, of course, the unique features of our community. I am open to the possibility that I'm mistaken here, but I believe that our funding problems pale in comparison to those experienced by these departments. That is not to say that we don't need to address our funding problems because our partners in our educational aspirations are worse off than we are, but simply that we should be putting our efforts, as a relatively well-off partner, into coming up with solutions to funding problems which help all of us, not which help only the already relatively well off among us. When we consider options that will work for the faculty of law but not for other faculties and departments (funding from law firms, partial or full privatization, social contract approaches where the funding goes to the faculty of law rather than the university as a whole), we inevitably throw in our lot with the professional schools, and turn our backs on our partners and allies. We would never (I hope) accept a solution to our funding problems that made things better for the civilians at our faculty but left the common lawyers behind. Why then should we entertain possibilities which divide us from our other partners and colleagues outside the faculty?

(3) In keeping with this second point, any option we consider must build links between our faculty and the rest of the university, not break them down. The Social Contract approach is, I think, an interesting possibility that is worth pursuing, so long as the funding goes to the university as a whole and not just to the faculty. Alumni and corporate fundraising raise additional concerns about academic independence, but once again if the money is going to the university as a whole, I would support pursuing these possibilities with strict guidelines in place to address academic independence. Partial privatization or entrepreneurial avenues, to the extent that they rely on creating programs of interest to legal professionals with deep pockets, are obviously unacceptable if our aim is to preserve McGill as an academic rather than professional environment. Full privatization brings accessibility concerns but, supposing that these concerns are addressed, if the money were to go to McGill in general, it might actually be an interesting idea. Of course, if the money stays in the faculty then we are abandoning the academic approach in favor of the professional training approach.

(4) For those who say that I've effectively eliminated the most reasonable fundraising options, my response is that we haven't been creative enough in our explorations of the possibilities. I refuse to accept that the academic model of legal education must be abandoned. There are other options. If legal normativity is as powerful as many of our professors assert that it is, then why do we not take more seriously the political possibilities of using our expertise with that normativity to fight to increase government funding of education? If we really believe in diversity and cross-disciplinary links, why not explore possible joint projects with "lower campus"? Why can't we offer classes of interest to non-law students along the same lines as the large lecture classes that bring cash into political science, sociology, and psychology departments? If we really believe in the bilingual project, why can't we offer classes in languages which alternate every year, or, for full year classes, which alternate each term, if, as was suggested on Wednesday, the need to offer classes in both French and English imposes extra costs? These types possibilities would serve not only to address budgetary concerns, but also to help make the faculty into the kind of special place we see ourselves as being. If our community is as diverse and creative as our professors suggested on Wednesday, shouldn't we be able to come up with more of these types of options?

These are only late night musings, and I'm open to being convinced that I've missed something important in all of this. Moreover, I'm well aware that the desire to keep our faculty from becoming a mere professional training school is only one aim among many - an aim which, admittedly, not all students or professors here share. But if we truly believe (as I do) that the McGill faculty of law is a "neat idea" then it seems to me that we should conduct our discussions of budgetary shortfalls in such a manner that we keep in mind the possibility of that "neat idea" being undermined by language or processes which belong in professional not academic environments.

Why McGill Law Needs The Clash

By David Perri, Law I

So, here I am, a McGill Law student. In my undergrad days at Western, statements like the aforementioned were reserved for Existentialism class or, conversely, the twice weekly Theories of Political Demographics lecture that found itself tucked into my second year schedule. However, now that I've progressed past the BA in all things liberal arts, I've come to a place where the dichotomous contradiction between theory and practice could not be more prevalent. Here comes my coveted thesis statement: I agree with Finn.

Remember Finn Makela? He's the individual who wrote a surprisingly forward and cognisant article about the purpose of education versus what said educational experience has become at this institution. Finn was then ridiculed in subsequent issues of this fine publication, and slanderous remarks came roaring our way. According to the Quid, Finn was everything from a radical to a pretentious [***-]hole; this hell 'n' hilarity was levelled at him simply because he decided to speak a truth that no one actually wanted to hear. I don't really know Finn, but I'm convinced of his point. Law school should be about pushing intellectual boundaries, and the cutting corners approach everyone else espoused in reply really only suits those who are here for the eventual Firm-induced cash grab. There are people who don't take the prospect of education seriously, and this complacency has far greater ramifications than we might believe. Education is both a right and a privilege, but too many have abdicated the responsibility that comes with such a privilege.

Before I sound too self-righteous, I will admit that I'm the same guy who laughs at the A-Type neuroticism in the library, and I'm also the individual who could be seen working on papers at the absolute last minute during my Poli Sci undergrad degree. But, those bouts of procrastination and indiscretion weren't because I was taking my education for granted. I never entered the quest for bobo courses or the professor who handed out only As. I was doing things at the last minute because I was involved in other things on campus, and knew I could get by alright without the requisite effort my papers probably deserved. And, when it comes down to it, while pulling all-nighters I was probably listening to a helluva lot of The Clash's work.

And that's where the headline comes in: McGill Law could probably use a hefty dose of London Calling, Sandinista! and Combat Rock (yes, I am aware that there are two Clash albums that precede the ones I just mentioned. I am also aware that those two records, apart from the track "(White Man) In Hammersmith Palais", suck). See, The Clash started out as a typical, irreverent punk band. The unit's first two records were filled with three-chord rage rock that took issue with general problems, but never really went in any firm direction. Essentially, Joe Strummer, Mick Jones, Paul Simonon and Topper Headon were using basic punk rock tunes — with pseudo political lyrics — as a means of gaining notoriety. But a funny thing happened when The Clash got starry-eyed and finally signed with CBS (a major label, at the time) and received its first $500 000 advance. The band realised that class issues actually did exist, and that irreverence would no longer suffice. The Clash had been both born and re-born at the same time.

You come to McGill Law a cocky, swaggering, grade-obsessed maven, and you leave as a social being entering a profession that can incite true change.

To make a long story short, The Clash was given the enviable opportunity to reach the masses and the band made good on it. London Calling is a furious and multi-dimensional take on North American consumer-based culture, and the non-radio material speaks of complacency and its evils ("Koka Kola"), the degradation of the self in the quest for fame ("The Right Profile"), power ("Death Or Glory") and the market economy ("Lost In The Supermarket"). Furthermore, questions of fascist brutality ("Clampdown") and violence-addled/poverty-stricken communities ("The Guns Of Brixton") were addressed. But, despite it all, the band also called for action rather than reaction ("I'm Not Down", "Revolution Rock").

In a sense, The Clash's career is the progression that each law student at this institution should take on, if visions such as Finn's are taken seriously. You come to McGill Law a cocky, swaggering, grade-obsessed maven, and you leave as a social being entering a profession that can incite true change. But, then again, who am I to comment? I probably want to go into Entertainment Law, a career path that is just as dirty as slithering your way through law school.

Public Education

By Jared Will, Law I

Though people may be getting tired of this issue, I think it is important to highlight something that has received far too little attention in the debate about the future of the Faculty. When discussing the possibility of privatization, it is vital that we remember what it is that we would be sacrificing. Public education is under attack across North America, and in order to defend public education we need to recall why we have it in the first place1. What are the values embodied in public education that would be sacrificed by the privatization of the Faculty?

To my mind, there are two central ends served by public post-secondary education, ends that cannot be achieved, jointly, by any other means. The first is accessibility for students, the second is the creation of an environment that fosters disinterested research and inquiry (inquiry with no other aim than increasing human knowledge and understanding) with the effect of creating a forum of disinterested expertise. If students must pay the full cost of their education, accessibility is sacrificed, and if academic must rely on sources other than unconditional public funding, that crucial forum for disinterested inquiry is left unprotected.

To take it a step further, we must ask ourselves why these two factors are important. In the end, we must realize that their primary value lies not in the interests of the students and academics that they serve, but, rather, in the maintenance of a truly democratic society. Public education is not just about giving people the means to get the jobs they want. If that's what we've come to, we've lost the crucial distinction between education and training. Public education is about fostering an informed, critical, and tolerant populace. It's about real democracy. Academics must be separate from the forces of financial interests in their research, and free from the censorship and control that such interests can engender, not because of the personal political rights of academics, but because academics have a social responsibility to pursue their research in a disinterested manner. Academic freedom is not for academia, it's for the public.

How do these issues relate to the situation of McGill Law? When we think about accessibility of Faculty and the potential effects of privatization, the tendency seems to be to look at the student body and wonder if they could bear the extra burden. This is a mistake. When considering accessibility, we should be looking at the student body with an eye to who is missing. The lack of socio-economic diversity in the student cohort is glaring. Moreover, significant tuition increases coupled with large contributions to student-aid funds will not sufficiently address this issue. The U.S. model should make it clear that this is not the route to addressing accessibility-attendance at U.S. post-secondary institutions is strongly correlated with economic class.

This is a matter of grave importance. We have to ask ourselves: What will happen to labour law if people from blue-collar backgrounds do not have access to high quality legal education? What happens to economic and social human rights policy if the future lawyers, politicians, and bureaucrats have never known hunger or the degrading effects of our welfare system? What happens to minority rights if minority communities, where there continues to be strong correlation between race and economic class, are not fully represented in the legal profession-on the bar, on the bench and in the academy? The existence of privately funded academics is also problematic. Setting aside the problem of student-funded institutions becoming diploma mills, the remaining social issues are crucially important. Academics forced to serve masters other than the spirit of inquiry are no longer fulfilling their social responsibility. This problem may seem distant at McGill Law, but the private sector's harnesses are being strapped on to professors in other departments and at other universities at an alarming rate. This trend demands resistance, not capitulation. To preclude the existence of disinterested academics is to undermine a fundamental pillar of democracy.

There other issue is the voice of academy. Though it's true that the university administration has been involved in lobbying for additional government funds, the voice of academics has been largely muted or silent. Those who should be extolling the virtues of public education are largely, and strangely, absent. Academics have a social duty to defend public education both as its beneficiaries and as those who should best understand its social role, and their silence is an abdication of that responsibility.

It would be irresponsible to turn our backs on, or undermine our claim to, public funding until we-students, academic, and administrators-have spoken in one voice in demanding public funding for post-secondary education.

I fear, however, that we've forgotten how to fight for public education because we've forgotten what it is that we're fighting for.

1 I owe a great deal to David Noble of York University for both this approach to the issue and some of what follows.

Micturating into the Prevailing Breeze

By Daniel Moure, Law II

Be Realistic: Demand the Impossible

The problem with the middle ground is that it's determined by the range of options that have already been presented. But the desire to present "realistic" options simultaneously limits the types of positions that are explored. Take, for instance, the debate regarding the future of the faculty. At one extreme is privatization. At the other are privately-endowed chairs and alumni donations. The first extreme is considered inequitable, but the latter could not generate the necessary funds. So we seem likely to settle for the middle ground-the social contract.

But why are these our only options, and why are we concentrating solely on the faculty of law? The entire university is suffering from funding shortages, as are other universities in Montreal, in Quebec, and throughout Canada. If one extreme is privatization, the other should be full socialization. But the full socialization of tuition is not mentioned because it's unrealistic. And yet various commentators in the Quid refer to education as a right rather than a privilege. A democratic right is a right to which everyone has equal access and which is not dependent on the supposed benevolence of others. That would seem to make both privatization and begging for donations unacceptable options. It would also make the social contract option look like indentured labour.

In attempting to determine the future of the faculty, we should keep in mind why legal systems exist. The purpose of the law is to protect privilege, not equality. According to the Charter of Rights, "Canada is founded upon principles that recognize the supremacy of God and the rule of law...." Why did monotheism, states, and the rule of law emerge only in class-based societies? And why is the law intentionally structured to be disempowering? The law is so disempowering that those who turn to it don't even get to do their own begging-they must ask a lawyer to beg on their behalf. The remedies that "the law" offers to such requests cannot interfere fundamentally with the raison d'être of the legal system. For example, the law of extra-contractual obligations serves two main purposes. It creates the impression that the law protects us from the exigencies of life, but it simultaneously ensures that "economic" activity will continue with as little interference as possible. Why else does the doctrine of foreseeability exist?

The law of extra-contractual obligations effectively privatizes a community's responsibility to ensure the well-being of its members. It atomizes community members, forcing each of us to seek our own remedies to our own injuries. The solutions proposed for the future of the faculty do the same: they ignore the future of McGill as a whole and of post-secondary education in general. They will also limit the diversity that the faculty proudly advertises in its propaganda. If the social contract is implemented, I predict that it will only affect incoming students, since that way the opposition of current students will be reduced.

If democracy is to mean anything, it must mean that a community and its members should have the power to make their own decisions without having to beg others. So let's dream of what ifs. What if the professors, staff, and students of the faculty went on strike to demand more adequate levels of public funding? What if instead of focusing on the faculty alone, we focused on funding shortages to post-secondary institutions in general? What if students from the entire university went on strike to demand more funding? What if students from all post-secondary institutions in Canada refused to pay tuition until funding was increased to adequate levels and tuition was eliminated? Governments might temporarily shut down some universities in the hope that the fear of losing a year would pressure enough of us to back down. But what if students didn't let the universities shut down and instead created parallel administration systems to keep them functioning?

So I propose that we not settle for the middle ground. I propose that we think not only of ourselves and the faculty, but also of the society in which we want to live. To echo another student at the recent LSA meeting, I propose that we establish a students' ad hoc committee to work with professors and other organizations, including student unions. I propose that we demand the impossible-full socialization of tuition and adequate funding of post-secondary institutions throughout Canada. And I propose that we demand it with a tuition strike.

The Left

By Jeff Roberts, Law II

It wasn't so long ago that a left-wing student government at McGill was about as probable as the Leafs winning the Stanley Cup. How things change. After years of languishing on the filthy couches of QPIRG, a robust progressive element has returned to campus.

The change is a welcome one. For too long, the campus social environment has been seen only as a forum for boozy dalliance and social climbing. What's happening instead is a reemergence of the notion that campus is a place to debate the politics and ideas with which we can improve our society.

Can the current wave of activism actually succeed in sustaining a broad-based progressive movement on campus? Or will it founder and be relegated to its former marginal status? At this point, either outcome is possible.

With No Logo, Naomi Klein gave the left newfound intellectual credibility. She highlighted issues such as corporate malfeasance around which widespread and diverse elements of society could rally. This provided a welcome change from the quagmire of identity politics in which the left had wallowed for much of the '80's and '90's.

Student leaders such as SSMU's Nick Vikander have followed Klein's playbook to resurrect the student left. Vikander and others will continue to succeed by focussing on issues of genuine popular concern such as NAFTA's Chapter 11 or the environment. At the same time, local issues must remain paramount.

Solidarity with Latin America presents a sexy (and legitimate) cause, but there is no shortage of environmental and labour injustice right here in Montreal. It is here, on campus and in the city, that McGill students have an opportunity to actually effect change. Let's cut our teeth here before saving the rest of the world. This is how to transform left-wing politics from an elitist student hobby into a broad popular movement.

Effective leadership has given the campus left a new respectability but already there are troubling signs that this momentum will come undone. Should this occur, it will not be the work of conspiring capitalists. Instead, it will be the result of student leaders succumbing yet again to the arrogance and cliquishness which has repulsed a generation of would-be comrades. This tendency has manifested itself already. The Pravda of the campus papers has offset strong reporting with patronizing bias and the aggrandizement of its own staff. In another shining example of "progressive" modesty, VP Vikander has kindly sent out a letter reminding us not to make him the subject of a cult of personality. Such behaviour is not clever, funny or professional. Rather, it is precisely the reason why many potential lefties run screaming into the arms of the Fraser Institute.

A new wave of progressive ideas has arrived, but it is unfortunate that "the movement's" argot and aesthetics continue to lag behind. Consider the former first. The language of the left is much the same as it was in the 1960's, and that language has become cliched and ineffective. A new vocabulary is needed.

Much of the right's success in the 1990's was rooted in the babblespeak (think "down-sizing", "team-player", "paradigm-shift") with which they dazzled the Canadian public. These new phrases entered the popular vocabulary and helped give a positive spin to the previously unpopular notion of lowering wages and taking jobs away. Perhaps the left could come up with a similar trick of refashioning language to further their own ideals...

Aesthetically, too, the left must reinvent itself. Unlike in the 1960's, there is no strong harmony between politics, fashion and music. If a new student politics is to be effective, it must somehow discover how to fuse No Logo to Eminen and Tori Amos. Likewise, the arts and music community must stop perpetuating the belief that dissent consists of no more than purchasing alternative clothing labels. Artists like Moby offer some hope in this regard. Still, little progress will be made until this generation ceases to equate coolness with apathy. This is admittedly a tall order for campus level activists, but it nevertheless represents an avenue that should be pursued.

A final word of caution. If the campus left hopes to achieve any degree of long-term success, it must refuse to be dragged into foreign policy. Passing resolutions on the United States or the Middle East is presumptuous, distracting and misplaced. Specifically, it is presumptuous to presume that world leaders pay any attention to the resolutions passed by 20-year-old McGill students. The divisiveness such debates will engender among students will inevitably distract student leaders from the business to which they should be attending. Finally, to introduce foreign policy discussions to SSMU council is misplaced because it is simply not the forum to advocate political views on these issues. A robust student interest in world affairs is essential to a vibrant university but the place to express opinions is in the classrooms and in the political parties, all of which have a branch on campus.

Al Jaffe Answers for 1st Years

By Ami Wise, Law I

Below are ten different responses to a question that has undoubtedly been asked of you a lot these past couple of months and will surely pop up a few more times before the year is through. Which of the responses below most resembles your typical response? What will you say the next time someone asks you...

"How is law school going so far"?

1. Obsessive: "One sec. I have to check in which colour highlighter my response is supposed to be."
2. Curt: "Fine...Go away."
4. Pretentious: "Great. I seriously believe that the law is an integral part of Canada's legal system."
5. Eager: "I LOVE it. The first two months here have affirmed my life long ambition to become a lawyer! Really? YES!"
3. Blasé: "You know. Whatever."
6. Fuzzy: "It is okay, but it doesn't really matter because I don't want to be a REAL lawyer. I want to use my legal education to breastfeed infant Cambodian refugees who are stranded near the ice fields of Kenya."
7. Forced: "Is that an offer to enter a legal obligation? Get it? We are studying that now. Get it?"
8. Pompous: "It is much easier than I thought it would be. Or I am way smarter than I thought I was. Yeah, probably what I said secondly after the first thing I said before."
9. Distracted: "Do you think that I should get cable?"
10. Sarcastic: "Best time of my life. You gotta cherish these moments."

Greening the FTAA?: Towards the Protection of Ecological Integrity in our Hemisphere

Greetings!
On March 17-18, 2003, at McGill University in Montreal, Canada, Environmental Law McGill (ELM) will host a major international conference to highlight issues of environmental governance and sustainable development in the context of the Free Trade Area of the Americas (FTAA) negotiations. Entitled "Greening the FTAA?: Towards the Protection of Ecological Integrity in our Hemisphere", the conference is designed to foster an inclusive dialogue between civil society, academia, the private sector, governments, and students from across the Americas. Following the demonstrations at the 2001 Quebec Summit, and given the inevitable protests at the upcoming FTAA Ministerial Meetings in Quito (Ecuador), ELM feels that such a conference can foster goodwill and the sharing of perspectives on the environmental implications of the FTAA.
As a non-profit student association dedicated to the protection of our environment, ELM is uniquely situated to host a non-partisan event of this nature. The "Greening the FTAA?" conference is being sponsored by the McGill Faculty of Law, the McGill School of the Environment, the McGill Law Students Association, and the Student Society of McGill University. This Conference is being made possible due to the financial support of Environment Canada, the Department of Foreign Affairs and International Trade, Export Development Canada, the International Development Research Centre, the Canadian Federation of Students (Quebec), and others.
ELM is currently negotiating a deal with the LSA to help interested McGill Law Students participate in this event at a reduced rate (even lower than the normal student price). Please be aware that the availability of these subsidized spaces will be limited, and that the event is sure to fill up well before March, so be sure to sign up soon after the opening of registration on December 15, 2002.
For further information, please visit the ELM conference website at www.law.mcgill.ca/elmftaaconference
General inquiries should be directed to elmftaa@hotmail.com
Looking forward to March 2003,

William Amos
ELM Conference Director

"Reverdir la ZLÉA?": Vers la protection de l'intégrité écologique des Amériques.

Bonjour!
Les 17 et 18 mars 2003, l'Association du droit de l'environnement de McGill (ADEM) sera l'hôte d'une importante conférence internationale, à l'université McGill de Montréal (Canada), qui aura pour but d'étudier les questions de gestion écologique et de développement durable dans le contexte des négociations de la Zone de Libre Échange des Amériques (ZLÉA). Intitulée "Reverdir la ZLÉA : Vers la protection de l'intégrité écologique des Amériques", la conférence vise à stimuler un dialogue entre la société civile, les universitaires, le secteur privé, les différents paliers gouvernementaux ainsi que des étudiants venant de toute l'Amérique. Ces personnes s'interrogeront sur la question du statut de l'environnement dans le processus d'intégration économique des Amériques. Suite aux manifestations au Sommet de Québec en 2001, et face aux protestations qui auront inévitablement lieu lors de la prochaine rencontre ministérielle sur la ZLÉA à Quito (Équateur), l'ADEM croit qu'une telle conférence peut encourager la bonne volonté et l'échange de perspectives sur les implications environnementales de la ZLÉA.
En tant qu'association étudiante sans but lucratif et dédiée à la protection de l'environnement, l'ADEM est particulièrement bien placée pour organiser un événement de cette nature. La conférence « Reverdir la ZLÉA? » est commanditée par la faculté de droit de McGill, l'École de l'environnement de McGill, et l'Association des étudiants en droit de l'Université McGill. Cette conférence est possible grâce au soutien financier de l'Environnement Canada, le département des Affaires Extérieures et du Commerce International, Export Développement Canada, le Centre de recherche sur le Développement international, la Fédération canadienne des Étudiants de McGill et bien d'autres.
L'ADEM est présentement en négociations avec la LSA, afin d'aider des étudiants intéressés à participer à cet événement pour un prix réduit (encore plus bas que le prix étudiant normal!). Attention! Le nombre de places subventionnées sera limité, et comme l'événement promet d'attirer une foule de gens, les places disponibles s'envoleront vite. Soyez donc certain de vous inscrire le plus rapidement possible, à partir du 15 décembre 2002!
Pour plus d'information, nous vous invitons à visiter le site Internet de la conférence de l'ADEM
www.law.mcgill.ca/elmftaaconference
Pour les questions d'intérêt général, écrivez à elmftaa@hotmail.com
Au plaisir de vous voir en mars prochain,

William Amos
Directeur de la conférence de l'ADEM

JLSA Coffee House Meeting

There will be JLSA meeting on Wednesday November 13 at 1:30pm in the Atrium to discuss plans for the JLSA coffee house. The Coffee House will be held on Nov. 21. All suggestions and students are welcome to attend the meeting. For more info please contact andrea_sepinwall@hotmail.com

Hanna's CD Release

"Fuego" (Fire in Spanish) is Hanna's first CD. The genre of music is best classified as Flamenco Fusion. Flamenco is the music of the Gypsies of Andaluzia in the south of Spain. The most famous and commercial example of Flamenco is the music of the Gypsy Kings. Flamenco fusion is a fairly recent musical phenomenon involving mixing Flamenco with other music styles. The 12 tracks of the CD (71 minutes of music) are an amalgamation of many ethnic and cultural beats and rhythms (Latin America Samba, Techno, Traditional Flamenco, Middle-Eastern beats, and East European rhythms). It's $15*. Order through Hanna or send email to fuegoCD@hotmail.com

(*Warrantees and Representations: Since the purpose of selling the CD is to share my music with people who enjoy it, if the music is not what you expected just return the CD for your money back)

CONGRATULATIONS to the NUGGETS who made it to the second round of the BasketBall Intramurals' playoffs !!!

Durnford Award for Teaching Excellence

Do you have a professor who inspires you? Someone who makes the subject matter that much more interesting? Then you may want to consider nominating him or her for this year's Durnford Award for Teaching Excellence. Nomination forms will be available starting November 14th on the bulletin board outside of the LSA office. Nominations can be dropped off in my box in the LSA office until November 22nd at 5:00 p.m. Once a professor has been nominated I will be collecting evaluations from students in the relevant class. Selection of the award-winner will not take place until March, but all nominations for fall courses must be collected by the end of this semester.

If you have any questions, please don't hesitate to contact me!

Rachel Faye Smith
VP Academic
rachel.smith@mail.mcgill.ca

(Nomination form on next page)

NOMINATION FORM: 2002-2003 TEACHING EXCELLENCE AWARD

Nomination Procedure:

1. There are two nomination periods. Professors teaching a course ending in December must be nominated during the first nomination period starting **November 14th and ending November 22nd.** Professors teaching full year courses and courses offered in the winter term must be nominated during the second nomination period starting **March 6th and ending March 14th**.
2. Completed nominations should be placed in the **mailbox of the VP Academic, LSA Office.**
3. Any student of the Faculty of Law can nominate a professor.
4. Nominators may only nominate professors in whose class they are currently enrolled.
5. Only university appointed professors of the Faculty of Law are eligible for the Teaching Excellence Award. Please note that most professors hold a university appointment, however, some practitioners or visiting lecturers may not. If you have any questions about this, please contact me at rachel.smith@mail.mcgill.ca.
6. In order to submit a completed nomination this form must be filled out and accompanied by a statement to the selection committee indicating why the professor should be the recipient of this year's award.
7. In nominating a professor, nominators may want to provide information, among other things, on the professor's: enthusiasm, clarity of presentation, mastery of the subject matter, availability outside of class, and ability to stimulate interesting class discussions.
8. Nominators may include any other information which may assist the selection committee in making its decision (i.e. course syllabus).
9. Nomination sheets must be signed by the nominator and five other students in the course for which the professor is being nominated.

Nominator: _____

Year: _____

Professor Nominated: _____

Course: _____

Pino & Matteo Hold Their Breath As Chico Wins Squeaker

By Panger

Chico Resch remained unbeaten last Wednesday evening at the McConnell Winter arena, as they brought down the Beavers 4-3. Despite almost squandering two two-goal leads, Chico managed to hold on to a slim one-goal lead with the Beavers swarming in the dying moments on the final period. Once again the depth and team defense exhibited by Chico was enough to contain the few quality attacking Beavers, who handed a previously undefeated team their first loss of the season for the second game in a row.

This game seemed to be won and lost on the special teams. Chico tallied on the power-play, while shorthanded, and 4-on-4; the Beavers responded with a goal while a man down and with a man advantage. One of the Beavers was sent to the showers early after a cheap, blind-side hit on Big Adam Z. However, Adam also earned a penalty for his objection to the hit, and while Mathieu scored on the ensuing 4-on-4, it was the Beavers who climbed back into the game with a short-handed goal when Chico actually was enjoying a short power play. In the end, it was the only even-strength goal of the game that proved to be the winner: after Jason showed he knows the way to dipsy doodle around a couple of Beavers, Ken tapped the puck into a wide open net while the Beavers' goalie's head spun.

The defense was heavily relied on for offence in the first period. Dan, filling in on defense for Dave "The Hammer" - away on a conditioning stint in Korea - scored on the power play with a devastating top-shelf short-side wrist shot that went in off the cross bar. Adam Z. scored by far the flukiest goal of this still young season on a slap shot from the point, which ricocheted off the goalie's backside and slid over the goal line.

Although they contributed mightily on offence, the defense seemed to have a hard time handling the speed of the best Beavers forwards. Despite some exceptional back-checking by the forwards, several Beavers used their speed down low to create a few quality scoring opportunities, most of which ended up in the back of the net due to some suspect goaltending, especially on the first goal, a short-side shot from the face-off circle. It was evident that the Hammer was missed, as he was recalled immediately following the game. Next game is Monday, November 18th.

Pino & Matteo's Three Stars

1. Mathieu Locas, with a goal and two assists
2. Dan Gaudreau, for picking the top corner
3. Sandy Khehra, with two assists and an obsession with fairies

Chronique théâtrale et littéraire

Par Horia Bundaru, Law II

L'idée de cette chronique m'a été donnée - indirectement - par une amie, complice de littérature, qui souhaitait lire dans le Quid autre chose que des articles acerbes et vindicatifs.

Liz, je te dédie ce petit espace littéraire et théâtral - que je n'ai pas voulu appeler "coin artistique" par peur de la petitesse du mot - que je veux destiné à combattre, dans la ménagerie infâme de nos vices, le monstre le plus laid, le plus méchand, le plus immonde: l'Ennui. C'est avec cette idée toute baudelairienne que je débute cette chronique, à laquelle je convie ceux et celles d'entre vous qui en ont envie, de se joindre au fil du temps.

"L'échange", de Claudel - Je ne connaissais de Paul Claudel que le nom et la renommée, un peu comme la plupart des "profanes" ne connaissent du droit que la maxime "nul n'est censé ignorer la loi" (la comparaison vise à éviter un trop grand dépaysement chez certains). J'ai découvert, en allant voir "L'Échange", une des plus belles langues qu'il m'ait été donné d'entendre sur une scène. Une langue soignée, précise, tellement que j'avais parfois l'impression que les comédiens, surtout les plus jeunes, n'en étaient pas à la hauteur.

L'histoire est simple: un jeune homme pauvre accepte d'échanger sa femme contre de l'argent. Autour de cette idée qui laisse songeur, Claudel articule une réflexion intéressante sur la recherche du bonheur et les différentes tangentes que celle-ci peut prendre, de la quête d'argent à la quête spirituelle. "L'Échange" ne propose pas de réponse, n'impose pas de morale. De l'incessant échange qui a lieu entre des personnages très différents, chacun retient ce qu'il veut. Peut-être une peur...

La mise en scène est efficace, la distribution - à mon avis - un peu inégale. Le texte étant très soigné (les personnages parlent au subjonctif imparfait), il est difficile à jouer avec simplicité et, par conséquent, authenticité. Certains acteurs - je pense notamment à Markita Boies - y arrivent mieux que d'autres. Le décor contribue, avec la froideur du texte, à créer un univers lointain, une sorte de rêve transpercé par des échos stridents de réalité.

À voir pour la poésie du texte, si agréable à écouter dans un décor apaisant.

"L'Échange" est présenté au TNM du 29 octobre au 28 novembre 2002. Distribution: Markita Boies, Pierre Collin, Maxim Gaudette, Macha Limonchik. Mise en scène de Martin Faucher.

The Biggest Band in the World

Marc Edmunds, Law IV (Quid Foreign Correspondent, and sometime Music Critic)

Part I

This is going to have to be two separate articles. I started writing one article, and then it sort of mushroomed into two, so there are two parts - Part I (imagine that!), which is a review of U2's The Best of 1990-2000, and then Part II (woah - it gets crazier!), in which I make a case for them being the greatest band of all time. So, without further ado, the review...

Some words on "Electrical Storm", the new single. It is AWESOME. For the first 45 seconds, it sounds eerily Oasis-like. Fortunately, we are spared the pain, and what follows is a new rockin' U2 sound, with hard driving guitar riffs by The Edge. [The William Orbit remix, on the non-B-sides CD, takes all the way to 2:05 to hit full-U2-punch.] The song is somewhat reminiscent of "Walk On", but a more evolved, up-tempo sound. There is the same urgency in Bono's voice though. I have listened very carefully to the lyrics, and searched the liner-notes for clues on content, but to no avail. The best I can come up with is that the song is another Bono treatise on the agony and the ecstasy of love; the wake-up/storm every relationship needs every now and then to remain healthy. Love has always been a complicated matter to our friend Bono - his love songs have never been simple, nor sweet. Though he has been happily married to Ali for something like 20 years now, his love songs are always tortured with heartache and contradictions - see "With or Without You", "All I Want is You" and "One". (I speak of him, by the way, because he does most of the lyric writing for U2, and since his is the voice that brings the songs to our ears, it is he I identify the agonised love-songs with.) The only exception that comes to mind is the almost sugary "The Sweetest Thing" - the wonky, happy-go-lucky single they released on The Best of 1980-1990 in 1998 - a song forgivable only because it is U2. No question boys, stick to the wrenching, exploratory, and brutally honest (see "They say the sun is sometimes eclipsed by a moon / Y'know I don't see you when she walks in the room" - from "The Fly", on Achtung Baby) material - it's one of the things that makes you so musically original. And yes, "Electrical Storm" fits into that category - a most excellent follow-up to All That You Can't Leave Behind (ATYCLB) that makes me quiver in anticipation of the studio album supposedly due out next Summer/Fall.

Incidentally, the other new single on the "Best of..." CD, "The Hands that Built America" (the theme from Gangs of New York) is absolutely beautiful. Heart-wrenchingly so, in fact. The song progresses magnificently through its crescendos and decrescendos (there appears to be an allusion to September 11th: "It's early Fall, there's a cloud on the New York skyline / Innocence dragged across a yellow line"), even including an opera-singing voice, clearly designed to bring us back to "Miss Sarajevo" with Pavarotti. Make no mistake though, U2's ballad-writing skills have progressed significantly since then, perhaps freed by the massive success of ATYCLB and the Elevation Tour (the second highest grossing tour of all time). If "Electrical Storm" makes me antsy for the next album, the 1-2 punch of it and "The Hands that Built America" make me downright delirious with eagerness!

Now onto the delicate question of track-selection - which songs to put on, and in which order? Order, well, I am no producer, so all I will say on the subject is that the back-to-back-to-back-to-back placement of "Electrical Storm", "One", "Miss Sarajevo" and "Stay (Faraway, So Close!)" will have you moved, pretty damn near to tears. As far as selection goes, I am a fan, so do have an opinion on that matter. Achtung Baby is pretty close to a greatest hits by itself, in my opinion, so at only 4 of these 16 tracks, I think it is under-represented. "Love is Blindness", "Acrobat", "Trying to Throw Your Arms Around the World", "The Fly", and certainly "Who's Gonna Ride Your Wild Horses" all would have been welcome additions. Zooropa was not very well received, and as they included "Stay (Faraway, So Close!)", my favourite track from that album, I won't complain. The same argument could be made for Pop, but "If God Would Send His Angels" belongs on the Best of CD, not remixed on the B-Sides, and "Please" certainly should have made it. ATYCLB - very easy - where on earth is "Elevation"? It has almost the same effect on a U2 concert crowd as does "Where the Streets Have No Name" - how could it possibly have been left off?! What tracks would I have left off? "Miss Sarajevo" - it has poignancy, but its value on a Best of CD is questionable. The same must be said of "Stuck in a Moment You Can't Get Out Of", though I know it was somewhat popular.

Personal track-taste aside though, it ROCKS. And having refused to buy the Batman & Robin soundtrack merely for one song, I am glad to finally have "Hold Me, Thrill me, Kiss Me, Kill Me"! Should you buy it? Most definitely, but U2-techno-phobes should stick to the Best of, and avoid the B-sides (on the double-CD version), which is primarily remixes. On my scale of U2-excellence, this most definitely rates a FANTASTIC, but that deciphers from Marc-speak into normal English as, erm, well, as - uh, as in go buy the damn thing!

Part II

In case you missed it, or some of the controversy it engendered, the title of this article comes from Bono blurting out the following: "We're reapplying for the job of the biggest bad in the world." It was at the Grammy's, in 2000. I've often made the case for them

not merely being the biggest band in the world at present, but for all time. Beatles and Rolling Stones' fans will perhaps rightly cry out in protest, but let's go "beyond the music" for a second, shall we?

The Beatles, Rolling Stones, and The Who formed the basis of the British Invasion of the 60's and 70's. U2 and a hoard of supporting actors were the Irish Onslaught of the 80's and 90's (ironically, I was initially more of a Cranberries fan than a U2 fan). The first invasion awoke the US public to the fact that there was more going on across the Atlantic than the odd war every few years they needed to rescue the world from. The second made them aware of bigger problems in a larger world.

Irish bands can no more escape their inherent politicisation than can a travelling South African, black or white, escape being grilled about Apartheid. (That might seem like a strange comparison to you, but it makes complete sense to me.) Just like in other occupied, and contested territories (I will leave that up to your imagination, but there are a few current examples, and numerous in recent world history), neutrality is a tough position to take. In such an intense and divisive conflict, you have to feel something. U2 has always struggled with this part of their identity. As artists, they wanted to create music, art, not take sides on monumental political issues. Being Irish, this was not an option, any more than it was for artists under Apartheid. Consequently, U2 wandered along a winding path: from staunchly Christian beginnings; through to the archetypal 80's stadium rockers on one political campaign or another; through to a band mocking and at the same time mimicking their own astronomical success, as well as the excesses they encountered in the process; to a collection of eccentric individuals with moderately successful side-projects; all the way to a band reclaiming their title as the biggest band in the world. I think any serious U2 fan would have a hard time finding any constant from 1980-2002. I propose the following linking thread: Bono & the Boys' insistence that something was wrong with the world, and that something needed to be done about it. A "save the world" attitude, if you will. In case it wasn't already clear why I have always been so drawn to them, it probably is now.

Sure, John Lennon campaigned for peace, but who honestly took him and Yoko Ono seriously, when they had their sleep-in not too far from our esteemed faculty? Mick Jagger's only contributions to social justice were a liberalisation of mainstream views brought on merely by exposure to the man's incredibly hedonistic lifestyle. (I enjoy pleasure as much as the next person, but have never deluded myself to believing that it was in any way a contribution to society.) I borrow now from Q magazine's recent list of the "50 Most Powerful People in Music", in which Bono was selected #1. Largely due to Bono's campaigning with Jubilee 2000, the White House "announced an unprecedented $5bn hike in US aid payments in March this year." He has made speeches at the UN, enjoyed regular access to Clinton's White House; met with Chirac and Bush to discuss policy issues, and was a member of a panel on this year's World Economic Forum. He has met with Bill Gates, been a character witness (for REM guitarist Peter Buck's "air rage" trial), and hung out with Nelson Mandela. The latter is significant for a couple reasons: U2 was part of the Artists Against Apartheid concert/tribute, and campaigned fairly actively against Apartheid until its demise. Secondly, Madiba (Mandela's clan name, and so affectionate nickname in South Africa) is still the elder statesman of African politics, and while he is no longer in office, still probably wields more clout in Africa than anyone else.

Each one of U2's albums has had some sort of socio-political theme. While the early 80's albums were transparent in that regard, the 90's albums are too often perceived in the following manner: a powerful rock group who's lost their way amid tireless, direction-less exploration. I don't feel the need to defend Achtung Baby because it is a very popular album - one that explores love and religious themes, never veering away from the difficult questions, the ones that yield enigmatic and paradoxical answers. Zooropa is easily their least popular album. It is an exploration of the avant-garde (at the time) technical innovations in music, and represents their disillusionment with the world, with the failure of so many promises the late 80's/early 90's seemed to offer, with themselves. It is very dark, but well worth a more focussed listen if you have the time (it got me through Montreal's "Great Ice Storm" of 1998). Once again, few people liked Pop, but I have insisted for years that it's because they marketed it weirdly, releasing "Discotheque" as the first single. It seemed a continuation, to many, of the lost ways of Zooropa. I lay down a challenge: go back, re-listen to "Please", "Gone", "Wake Up Dead Man", "Last Night on Earth", "Staring at the Sun", "If God Will Send His Angels", and "Do You Feel Loved". You will quickly realise that the techno-influence is not as overbearing as you assumed. It, too, explores excesses - the excesses of materialism, religion, love, and politics.

The funny thing to me has always been that some of U2's most popular songs have been very political, but catchy - so people have absorbed a political message often without realising. That, too, makes them great, to my mind. "Sunday, Bloody Sunday", "Pride" and "Where the Streets Have No Name" all have socio-political undercurrents, if not outright messages. Did you pay careful attention to the lyrics of the recent hits "Beautiful Day" (about environmental catastrophe, not a bright, sunshiny day!) and "Walk On" (a message to Aung San Suu Kyi - virtual political prisoner in Burma)?

My article has been a sort of meandering stroll through a hodgepodge of thoughts on U2 - analogous to the meandering stroll they have taken through their careers? And if so, is there a deeper common thread? Yes - it is that U2 ROCKS THE UNIVERSE and you should go out and buy

the album! Ha-ha. For other cool U2 stuff, check out www.U2.com. And, as always, please feel free to contact me out of derision or support: marc.edmunds@mail.mcgill.ca or onghoshi@yahoo.ca.

The Law Games Experience

By Marc Edmunds, Law IV

About 350 or so upper-years are reading the title of this article and its accompanying author's name right now, cringing and/or grimacing. Because they know what's coming - a rant about the joys of Law Games[1] - a seemingly endless annual ritual for four years now. Well, to all of you cringing, suck it up. No apologies for enthusiasm will be coming out of my mouth - nor out of my hands, for that matter. To first-years, well, I would imagine you have discovered the Quid by now - normally takes a while, but it does eventually happen. And, just like LG, you may not yet be fully aware of this ancient Law School tradition, but have probably already come to appreciate its usefulness, if not its appeal. I am sure Zeus (aka Stephen, your VP Sports/Athletics, whatever the official title is these days) has done an excellent job bringing these things to your attention already, because I have the utmost faith in him - trust in him and your LG experience will be a blast. Leave him do everything by himself though, and it will suck - because LG is all about participation, participation, participation. But no more about that - more about the fun, right?

OK, so, fun follows... There may or may not be another 2/3 articles appearing in this week's Quid written by me about LG from previous years. I will assume, though, that they will, and not bore you with mere repeats of our incredible "sweeping" exploits of my first year, our courageous accomplishments my second year, nor of our fabulous hosting skills of last year. Which doesn't really seem to leave me much to talk about, does it? But never fear - verbosity has never been a skill (liability?) of which I have been accused in lacking.

The pre- and travelling part is pretty fun - the excitement and anticipation build in the week preceding it because, well, there isn't much else to occupy your mind in early January - Lord knows getting back into your contracts readings doesn't seem all that appealing just yet. It's FREAKING FREEZING in Montreal at that point, and, well, you are surrounded by all the friends you managed to make in first semester. You did remember to make some friends in first semester and not to get too bogged down in the rather monotonous drone of studying, right?! If not, FEAR NOT - because this is your chance. For four days you are surrounded by people who have a certain amount in common with you, having suffered through the trauma of first semester. For four days you get to know them, have fun with them, compete with them and not against them, and, if you like to party (some of us do more than others, it seems - erm, right, moving on...) you get to party with them, and above all, you get to make an absolute fool of yourself with them. The latter sounds a bit bizarre and maybe even a tad unappealing right now, but trust me on this one, in the moment, you enjoy doing it, and are even praised for it. Picture, for instance, some idiot running around in a blue M&M suit for 4 days screaming his ASS off, partying like mad, and then somehow getting credit for doing that. Not credit in the academic sense, of course - otherwise my life - erm, someone's life would be on life support for all the LG credit they could get towards their degrees. So there is the whole just getting to know your own year and upper-years better - because of the nature of LG, it just sort of happens, without too much effort on your lazy ass's part. It's good times.

Excellent part of LG #2: meeting people from other law schools. As much as you may have forgotten, there IS an outside world. There are even other law schools. Pretty crazy concept, but it is very true, I assure you. And you get to meet actual real-life students from those fine other institutions. Mind you, as friendly as I insist you be when meeting these students, under no circumstances are you to concede that any place is NEARLY as fantastic as McGill. I will personally hunt you down and humiliate you. And ask any upper-years, I have no shame. Nor any sense of embarrassment. Nor any embarrassibility. I promise. Be afraid, be very, very afraid. Actually, don't - because it is such an awesome experience, my weak and pathetic threats won't require fulfilment. Anyways, so you get to meet all these cool people from other parts of Canada. Pretty good. Not that I would ever advocate any form of meeting people for romantic reasons, but consider this, regardless of your preference, there can be anywhere between 1000 and 1500 new people to meet!!! Good times.

Sports stuff: Well, there is much to be said, and LOTS of fun to be had (I discovered the level of squash in law schools in Canada is shocking, and that I am, as much as it frightens me to share it, not so much of a good dodge-ball player). But the thing is, that is really Zeus's forté - he is the resident sports-participation guru in our faculty. So I'll let him do the razzle-dazzle on that one.

Spirit stuff: OK, on this one I bow down to no-one. When it comes to making a lot of noise, I don't think many can compete. And when it comes to making a complete idiot of yourself, I am without a doubt the reigning McGill champion (if not Canadian!). But even if you don't share my enthusiasm for being a freak, there is a place for you. Singing some songs pretty loudly, wearing your uniform a lot, and generally being in good humour and cheering for your teams is really all that is required. The more of this there is, the better and the better we are at this, the more spirit we have. And the more spirit we have, the closer we are to re-

gaining my precious, precious, precious baby - the Almighty Spirit Award. While there is academic stuff too, and again, not my forté, so someone else can psyche you up for what is really a very important part of LG), and sports cannot be overlooked (especially considering we had been crowned champions for three straight years before relinquishing our crown, as all good hosts should, when we welcomed them to our faculty), Spirit is the biggie. It's even the biggest trophy physically, for crying out loud! That alone should tell you. You will also understand, especially once you start to see some of the other Quebec universities in action, that this is a VERY serious part of the event. Sing, sing loudly, and just make a lot of crazy noise supporting your teams (and party hard too), and well, maybe you can reclaim the crown we had ripped from our (my) unrelinquishing clutches so cruelly two years ago. Once again, having hosted last year, I don't count it - we skip that year as gracious hosts - it gets an asterisk, so to speak.

Regardless of how many/few of the above things sound fun to you, I PROMISE you will have fun. It may seem too juvenile an event for serious law students to take part in, but a most necessary one I assure you. And it is impossible not to have fun. So, follow the battle cry of your fearless leader Zeus, get involved, help plan, get excited, and GO GET EM TEAM!!! MICK, McGILL, MICK, MICK, McGILL! MICK, McGILL, MICK, MICK, McGILL...

[1] Law Games [hereinafter LG], author and place of origin unknown, but compelling and most excellent Law School adventure and Rite of Passage. Possible Greek origins. For further readings, please see Edmunds, M, "The Best Four Days of My Life" (Montreal: Quid Novi, January 2000).

Two Chimps Before the Law

By Edmund Coates

A stick passed between two chimpanzees can ground a meditation on comparative law. On 11 October, our law school hosted one of Italy's most influential legal scholars: Professor Rodolfo Sacco. He spoke on "Les deux chimpanzés et la baguette".

Chimps use long smooth sticks to fish ants from their ant-hills. The stick's disturbance draws ants onto it. The chimps then gobble up the ants from the stick, thereby mostly avoiding painful bites from the ants. Sacco recounts an episode seen by the ethologist Jane Goodall. A chimp called "Passion" used a stick to fish from an ant-hill. Passion then put down the stick and moved some distance away. A second chimp called "Pom" then came to the ant-hill and fished for a time. Passion reappeared, came up to Pom, and touched Pom's hand. Pom then gave up the stick to Passion.

If Passion and Pom were humans, we would not be surprised that the master of the stick gets it back upon her return. We could easily explain the interaction. However, the chimps cannot explain themselves in words. The chimps must turn to humans for a categorisation of what occurred in the stick episode. Prof. Sacco names himself tutor to the chimps, to initiate this dialogue with humans.

At first, legal theorists hesitate to talk of possession or property in relation to chimps. Still, this would merely be a new step in a long progress. Once upon a time, the legal theorist discussed eternal verities with the philosopher. She tried to discern such verities behind the law. Then, the legal theorist extended her conversation to the historian, who celebrated law's triumphs.

Today, the legal theorist looks far back, to even before organised society, to even before articulate language. The ethologist studies animal behaviour, in particular the behaviour of animals close to humans. Thus, the ethologist is a welcome new conversation partner for the legal theorist. (Eventually the legal theorist will look even further back, to genetics, unravelling nature and culture, drawing-out the formative elements of the law which lie in our D.N.A.).

The legal theorist needs to steer a middle course in her study of chimp interactions. She is wrong to see the rules of chimp behaviour as non-comparable to human rules. She is wrong to assume that she will find a uniform basis behind chimp behaviour and human rules.

But what do humans make of the interaction between Passion and Pom? One human suspects a hierarchy between Passion and Pom. Passion would be dominant and Pom subordinate; so Pom would naturally yield the stick when Passion returns. After all, we see analogous transactions between humans: an officer orders a private to hand her his pack, a mother asks her child to hand over his school binder.

Prof. Sacco telephoned Jane Goodall, and he reports that she was unable to say whether one or the other chimp was dominant. In any case, Prof Sacco does not find dominance an adequate explanation, in the light of other chimp behaviour. Chimps hunt. In the sharing-out of the proceeds of the hunt, a dominant chimp does not get special treatment. Dominance does not come into

play in relation to the proceeds of the hunt, so why should it come into play in relation to the stick, another food source?

Prof. Sacco moves on to legal explanations. A first legal theorist says that Passion was under an obligation to hand-over the stick. A second legal theorist says that Passion was the owner of the stick.

Prof. Sacco asks the first theorist whether the rules of chimp behaviour allow us to talk in terms of obligations. Obligations spring from contract, civil liability, or enrichment. The chimps do not have the concepts which you need to assent to a contract. As for civil liability, even early man did not know this source of obligations. Even the most long drawn-out attempts at revenge lack the key idea of reparation.

But the situation of the hunt leads to obligations from enrichment. While several hunters search for the prey, one will run it to ground. The lucky hunter must share.

The second theorist, the property theorist, objects. We already need the concept of property, to cover the phenomenon of animals marking and defending territories. We need not draw, in addition, on the law of obligations, if we can explain the stick episode in terms of property. For the second theorist, the stick episode displays the duty to return an item of property to its owner.

A third theorist then objects, but from within property law. The third theorist sees the episode as one between a holder (détenteur) and a possessor. The abstract definitions of property and possession do not allow us to decide which concept applies. Possession comes from a factual mastery over a thing. Property is the right to the use, the fruits, and the alienation, transformation, or destruction of a thing. We need to look at how property and possession work out in practice.

Traditionally, the possessor who is dispossessed can resort to his own force to regain possession. Ownership, however, means that the owner must seek the aid of the courts to vindicate her rights. In the Civilian tradition, the possessor is protected from the owner's resort to self-help. Thus, ownership is born with the appearance of a central authority, to which the owner can appeal.

As the law developed, the possessor of a thing first had an action against the thief. Next, the possessor gained an action against the assigns of the thief. Then, the possessor gained an action against the trustee to which she had entrusted the thing. Finally, the possessor gained an action against those who received their rights over the thing from the trustee. The possessor had completed the legal circle of her mastery over the thing.

The expanding protection of the possessor flowed from down-to-earth policy choices. When the cow is neither in the owner's field nor in her barn, she cannot feed it: she does not know where it is. We can only hope that the possessor of the cow will see to its care.

Thinking about the episode between Passion and Pom reminds us that legal concepts need to stay rooted in practical choices. As our law develops along with our societies, it will tend to greater and greater complexity. But if people are to live the law, if they are to intuitively grasp their legal relationships, the law must ultimately rely on broad, simple categories.

In the end, Prof. Sacco addressed his lecture in two directions: first to the chimps Passion and Pom, second to the comparative legal scholar. Prof. Sacco calls on the legal scholar to move beyond the parallel study of different systems' legal institutions, to move to a study of common growths meant to address practical needs, to move to a search for underlying principles.

Prof Sacco's lecture was a stirring paean for transystemia, although his example could have been better chosen. Human optimism seeks to minimise the influence of fear and dominance in the world. The optimist will easily pass to looking for law, rather than fear and dominance, even in the animal world.

In fact, Passion is mother and Pom daughter (Goodall, Jane. The Chimpanzees of Gombe. Cambridge, Mass., Harvard University Press 1986. at 77). Passion is an outlaw, "Gombe's most notorious character". Passion showed "extraordinarily inefficient and indifferent maternal behaviour". Once Passion's daughter was ten years old, Passion began attacking other chimps that were carrying newborns, and eating the babies (succeeding in as many as ten cases). When Passion attacked without her daughter's help, she failed to gain her grisly meal. It is too much of a stretch to look for law in the interactions of the asocial chimp Passion, whatever the value, otherwise, of spinning legal theory on examples from beyond the human realm. If a notorious sociopath touched your hand, would you hesitate to hand-over the pen you were writing with, regardless of any question of property or of obligation?

In Prof. Macdonald's Legislative Process seminar last year, one student asked whether law, in our discussions, was becoming our sex. He explained that, when he was in CEGEP, his circle had the theory that fellow students who talked about sex a lot of the time, and who saw connections to sex in many things, were sexually frustrated. Was our seminar's projection of legal categories into most areas of life a sign of a suppressed lust for control, a will to

power expressed through the categories which we had either mastered or expected to master? I imagine that this crude Freudian analogy was deliberately provocative. Still, when we hear a call for us to draw legal principles from the world of practicality, we should remember that this world may not always be structured by such principles, or, in fact any principle at all..

Everyone's a Critic

By Marta Juzwiak, Law IV

Every year, people complain about the Quid. "Why," they ask, "aren't there more articles on topic X?" "Why has the Quid gone downhill so much?" Others say, "The Quid always sucked." This year's complaints are nothing new. Why, one writer asks, are budding geniuses writing about law games, about hockey, about how great McGill is, or about how to get good grades? Don't geniuses have better things to write about?

Another author says that the Quid isn't worth his time. He wants the Quid improved. So, he humbly suggests that the people of the Quid should offer prizes to the "best" pieces. This leads me to ask who gets to decide what the "best" pieces are? Won't this be an inherently biased judgment, skewed to the individual judge's vision of what Quid articles should be about?

The complaining authors ignore, or perhaps abhor, the fact that the role of the Quid at the faculty is to provide an open forum to every member of the faculty.

That means all articles, provided they are not patently offensive, are welcome. Last year's articles included pieces on the social tensions following September 11th, Bridget Jones spoofs, philosophical rants, Law Games stuff, Coffee Haus stuff, discussions on the Tax Act, and my very own masterpiece on toilets. ALL of these articles belonged in and found a home in the Quid. And you know what? I betcha that every piece reflected its author's view of what kinds of pieces s/he thinks the Quid should contain. I'm sure the tax guy would like the Quid crammed with taxation debates; I'm sure that the Bridget Jones authors would have loved a Quid full of light-hearted witticisms, and I know I would sure love a Quid all about how we treat our toilets.

Anybody who wants to improve the caliber of the Quid really should write something s/he thinks is worthy of its hallowed pages. He or she may wish to criticize the position taken by a previous author, of course. But there is really nothing constructive about a line to the effect of: "the Quid sucks; OK, my article isn't worth reading either, but the other articles suck so much I thought I'd write about how much they suck."

Another thing: if you don't want to read an article, don't read it. But don't tell somebody that what they wrote about wasn't worth your time. That's just bad manners; there is no honor in saying to someone: "your piece wasn't worthy of me." If a piece in the Quid wasn't worth your time, then you shouldn't have read the damned thing. (Take, for instance, my survival guide to law school: I knew it wouldn't appeal to all. I didn't make anybody read it. The first two lines of that article made it obvious what I was writing about, so it's not like I tricked anybody into reading it. If you didn't want to read it, you should have rolled your eyes, turned the page and moved on. And will you people PLEASE stop saying that I told you not to do any of your readings????? I recommended that you do directed reading. Directed reading, although more efficient than comprehensive reading, is still hard work. In many ways, it's intellectually more challenging than comprehensive reading: directed reading forces you to think critically about what your professor wants you to get out of a course. It forces you to ask "What is the main point of this article for the purposes of this course? What rule does this case stand for? Where does it fit with the other cases?" Reading all of the assigned materials without careful reference to your class notes may tempt many of you to skim, to pay attention only to the stuff you think is interesting, and possibly to miss the point.)

And nope, our law school is not diverse. But if you're not adding to our faculty's diversity, you really should stop complaining.

Submit your articles to: quid.law@mcgill.ca
Jeudi 5 P.M!!!